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REMARKS

Applicants thank the Examiner Mr. Ahmed and his supervisor Mr. Woodward for the courteous telephone interview granted to applicants' representative, Dr. Paul Fenster on March 13, 2007. The following remarks include a report of the substance of the Interview.

Applicants wish to point out that at the end of the interview, Dr. Fenster asked what was now the status of the case and Mr. Woodward responded that the pending art had been overcome by the arguments, but that a further search would be necessary.

The application contains 13 claims, where claims 1 and 7 are independent. Claims 3, 5, 7 and 10 are amended herewith. Applicants submit that these changes are purely cosmetic in nature and/or make explicit what is already implicit. From the context, it is quite clear that the protective ring of claims 5 and 10 is the same as the ring of their parent claims which has the function of protecting the skin being abraded from the edge of the pad. Similarly, since protection can only be from the abrasive surface, that protection from the abrasive pad, can only mean protection from the abrasive surface.

Claims 3, 5, 7-13 stand rejected under 35 U.S.C. §112, first paragraph as lacking enablement. The Examiner alleged that there was no description as to how the sponge ring was attached and could be held in place. Applicants respectfully traverse the rejection.

Applicants submit that a sponge ring fitted onto a sponge backing will have sufficient friction so that it will remain in place in normal use. In particular, the lower edge of the ring will continue to cover the edge of the abrasive region when the pad is used to abrade the skin, for instance. Thus, no particular discussion of enablement is required. As Dr. Fenster explained in the telephone interview, he has in his possession a pad built according to the figures in the application, in which the pad stays in place under conditions of intended use. Other methods of keeping the ring in place are also possible and well within the scope of design alternatives not requiring additional disclosure.

Rejection of claims 1-13

Claims 1-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Martin et al. (US 5, 671,498) in view of Crabtree et al. (US 5,791,008).

Claim 1

The Examiner rejected claim 1 as being obvious, by modifying Martin to add flaps similar to Crabtree, to arrive at the claimed apparatus.

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Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness, (a) for lack of a limitation, and (b) the combination would not result in the claimed apparatus.

Claim 1 defines "An abrasive pad comprising: an abrasive surface; and an elastomer or sponge material backing the abrasive surface and having an end remote from the abrasive surface; wherein the elastomer or sponge material is formed with two slits starting at edges of the spongy material and oriented substantially parallel to the abrasive surface near the remote end of the spongy material..." (emphasis added).

The Examiner stated that in Martin's structure the sponge material has an end that is remote from the abrasive surface (60 and 62 in Martin's fig. 4), and is cylindrical in shape.

In Martin's apparatus, the sponge is inside the abrasive surface so it does not have an end remote from the abrasive surface (whatever the shape).

Crabtree teaches a sponge with slits and tabs that resembles the present invention, but lacking the additional abrasive surface.

Based on Crabtree's motivation for an even contact surface of the sponge, the Examiner states an obviousness case to add the flaps (tabs) of Crabtree to the embodiment of Martin. However, some of the embodiments of Martin are completely covered with abrasive material so there is no access to the sponge backing. In the cylindrically shaped embodiment of Fig. 4, the sponge is exposed only at the bases (ends). Even ignoring that these are not 'near the remote end', it makes no sense in parallel slits forming tabs into these ends, and certainly not utilizing the motivation of the Examiner. It is noted firstly that the tabs proposed by the Examiner (which would have to be in the ends of the embodiment of Fig. 4 of Martin), would require two hands to hold the abrasive pad. No person of the art would make this change. Furthermore, since the cylindrical abrasive device would be held at the ends rather than in the hand as would be the case without the change, the pressure applied to the surface being scrubbed would be less even if held by the tabs than if held in the hand of the user. Furthermore, folding the sponge at the slits will crumple the abrasive surface and it would not allow for pressing the abrasive surface against anything, and certainly would not give a more uniform pressure.

Applicants' representative pointed out at the interview that Fig. 9 of Martin, et al., was actually much more on point than the Figs. cited by the Examiner. Fig. 9 describes a pad comprising a sponge with an abrasive layer on one of its large size. Applicants' representative pointed out however, that this structure, which is very common in the marketplace, is meant as a dual function pad, with the user using either of both the

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abrasive and sponge parts depending on the task at hand. Applicants representative pointed out that it would not be obvious to put handles of the type described by Crabtree on the back of the pad of Fig. 9 of Martin, since this would weaken the sponge and cause it to fail even faster than usual. Applicants believe that it is general experience that in pads of the type shown in Fig. 9 of Martin, the sponge fails long before the abrasive surface and no one would put handles of the type claimed on the sponge part to further shorten the life of the weaker part of the pad.

Claim 7 (and 3-5)

The Examiner rejected claim 7 as being obvious by modifying Martin to add a protective ring to arrive at the claimed apparatus. Additionally, the Examiner asserts that Martin already has a protective ring - though not of the sponge material.

While in an earlier rejection the Examiner went into great detail regarding why it would be obvious to provide a protective ring as claimed in claim 7. In the present rejection the Examiner suffices with the following, as regard to the protective ring:

"It would have been obvious to one of ordinary skill in the art at the time of the invention to add flaps and a protective ring to a sponge pad, as taught by Martin, *et. al.*, in view of Crabtree. Motivation to add flaps to a sponge pad, as disclosed by Crabtree, would come from the beneficial effects of an even contact surface with smooth flow and even application of substances being used on the sponge, as discussed above."

Applicants have difficulty in understanding how this provides motivation for adding a protective ring of sponge material, in view of Crabtree, especially since Crabtree has no such ring.

Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness, (a) for lack of a limitation (the protective sponge ring), and (b) the addition of the ring will render Martin apparatus ineffective. Additionally the applicants note that the protective ring has a well-defined function, which is not achieved by the Examiner assertion.

Claim 7 defines "...a separate ring of elastomer or sponge material surrounding the backing material to reduce contact between the edge of the abrasive surface and a surface being abraded" (emphasis added).

In contrast with Martin's apparatus and its 'protective' ring of abrasive material, claim 7 (and 3-5) defines that the ring is of elastomer or sponge, so the claimed limitations are not met. Applicants note that while Martin has two elements, namely the sponge and the abrasive surface, the claim requires a third element, namely the separate ring. The Examiner has not provided any motivation to add a third element to Martin's

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scrubber pad. Applicants note that Martin already has the backing and the abrasive surface. There is no motivation to provide any material to *reduce the contact between the edge of the abrasive surface and a surface being abraded*. Applicants submit that this limitation is structural in nature and defines the structure not only by where the additional ring would be provided but also by the function it would carry out.

Applicants submit that the Examiner has not established a *prima facie* case of obviousness since the prior art does not meet all the limitations of the claims and there is no motivation or expectation of success to combine the two references to form the claimed device.

Applicants suggest that if the Examiner wishes to maintain this rejection he indicate not only that the references can be combined, but also *how* they can be combined, since, as explained above this is not evident from the references themselves.

Applicants submit that the application is now in order for allowance. Notice to that effect is respectfully solicited. In view of the above remarks, applicants submit that the dependent claims are allowable at least because they depend on an allowable claim. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the present application toward allowance, applicant respectfully requests that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct toll free number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
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